

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SELIM ZHERKA,

Plaintiff,

- against -

PHILIP AMICONE, individually, and PHILIP
AMICONE, in his capacity as Mayor of the City of
Yonkers, New York,

Defendants.

No. 07 Civ. 9618 (CLB)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the attached Affidavit of Mark A. Fowler, sworn to February 14, 2008; the attached Declaration of Roberta Maurer, dated February 15, 2008; and the accompanying Memorandum of Law, and upon all the pleadings and proceedings had herein, nonparty witness Gannett Satellite Information Services, Inc. (“Gannett”), by and through its undersigned attorneys, Satterlee Stephens Burke & Burke LLP, will move this Court, at the United States Courthouse located at 300 Quarropas Street, White Plains, New York, on March 14, 2008, at 10:00 a.m. for an order, pursuant to Fed. R. Civ. P. 45, quashing and/or modifying the subpoenas issued by plaintiff Selim Zherka to Gannett dated February 4, 2008, on the grounds that (1) the subpoena was improperly served; (2) the subpoena seeks irrelevant information and imposes an undue burden; and (3) that all information sought therein is protected from disclosure by the qualified privilege for anonymity under the First Amendment to the United States Constitution; and for such other and further relief as this Court deems proper.

Dated: New York, New York
February 15, 2008

SATTERLEE STEPHENS BURKE & BURKE LLP

By: _____/s/_____
Mark A. Fowler (MF-4605)
Glenn C. Edwards (GE-0696)

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